

VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION

1. ACCIDENT INVESTIGATION

(May 2007)

I. POLICY

It is the policy of the Department to respond to accidents involving death, personal injury, hit-and-run, impaired drivers, and disturbances between principals. In addition, the Department will investigate accidents resulting in property damage occurring on roadways if the damage disables one or more vehicles.

When dispatched to an accident scene, officers shall respond without unnecessary delay and in accordance with the response classification assigned by Public Safety Communications (PSC).

II. CHECKLIST

The first officer to arrive at the scene of a motor vehicle accident shall:

- ❑ Immediately check for injuries, provide first aid and summon medical assistance. Although injured parties may refuse medical attention, officers shall request an ambulance in instances where they suspect serious injury
- ❑ Identify hazardous materials, dangerous conditions, or fire threats. Officers shall request assistance and protect the public from those threats or conditions when possible. When hazardous materials are involved, officers shall comply with the procedures detailed in **VOLUME II, CHAPTER 30, HAZMAT & RADIOACTIVE MATERIALS**
- ❑ Locate witnesses
- ❑ Preserve evidence, pending a determination of investigative responsibility, for processing and analysis

- ❑ Protect involved persons and property from further injury or damage through the positioning of the police vehicle, direction of traffic, or using flares or other warning devices
- ❑ Restore traffic flow around accident scene, relieve congestion, remove involved vehicles and debris from the roadway as quickly as possible, unless investigative or rescue considerations require they be left in place. If a driver requests that a vehicle be left at the scene, officers shall ensure the vehicle is legally parked and secured
- ❑ Ensure safekeeping of property for accident victims who are incapable of caring for their property
- ❑ Give the parties the CCN and inform them that the accident report will be available at the District Station after 72 hours. Copies of the accident report may be purchased for five dollars by money order at the station or by mail from the Records Section

III. DEFINITIONS

Critical Injury: Any injury where death is expected or medical personnel believe it is probable

Fatal Accident: Any traffic accident in which the victim dies of injuries sustained in the accident and death occurs within 30 days

Personal Injury: Any injury that is visible or obvious, or for which an involved person is transported by ambulance

IV. FORMS

- ❑ Maryland Automated Accident Reporting System (MAARS) Report (MSP Form #1)
- ❑ Incident Report (PGC Form #3529)

VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION

- ❑ Continuation Report (PGC Form #3529A)
- ❑ Vehicle Accident Letter (English/Spanish) (PGC Forms #2301/2301A)
- ❑ Prince George's County Police Motor Vehicle Accident Report Supplement (PGC Form #4492)
- ❑ Prince George's County Police Accident Diagram (PGC Form #4494)

V. PROCEDURES

1. Accident Scene Duties

Officers shall review and comply with the duties detailed in section **II. CHECKLIST**. Officers may request assistance from other officers, the fire department, government agencies, or utility companies to carry out these duties.

On accidents with serious injury, officers shall contact the appropriate hospital prior to the end of watch to determine the status of injured parties to ensure that notification to the Collision Analysis and Reconstruction Unit (CARU) is not required. Officers should be aware that the Health Insurance Portability and Accountability Act of 1996 (HIPAA) prohibits healthcare providers from releasing certain patient information.

Investigations

After the scene is stabilized, officers shall examine the facts of the accident to determine whether an investigation and accident report are required. They shall base their determination on:

- ❑ Interviews of witnesses and drivers
- ❑ Observations of vehicles and the accident scene
- ❑ Other physical evidence

- ❑ Status of vehicle registration and driver's licenses

Officers shall assist involved parties in exchanging driver's license, registration, and insurance information. They shall also take time to answer questions.

Officers shall initiate a computer check on all drivers and vehicles involved in an accident even if the involved parties display valid vehicle registration and drivers licenses. If the computer system is not in service, and the license and registration validity cannot be verified, officers shall complete a MAARS report and any other required supplement reports.

An investigation and accident report are required for motor vehicle accidents involving:

- ❑ Buses with passengers (other than drivers) or any bus without passengers owned by WMATA or a government agency
- ❑ Collisions between a train and motor vehicle
- ❑ Collisions with buildings regardless of whether damage to the building is evident. Officers shall request notification to a County building inspector via PSC
- ❑ Damage to electrical, natural gas, water, or commercial utilities
- ❑ Damage to street signs and other government fixed assets
- ❑ Departmental accidents
- ❑ Fatal accidents
- ❑ Government vehicles, or accidents alleged to have been caused by these vehicles, including vehicles of municipal, county, bi-county, and federal agencies, WMATA, or volunteer fire companies. Maryland State Police

VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION

(MSP) shall investigate all accidents involving State vehicles

- ❑ Injury, visible or obvious, or for which a person involved is transported by ambulance
- ❑ Must appear traffic offenses whether or not a citation is issued, and unregistered motor vehicles
- ❑ Issuance of a citation
- ❑ Property damage occurring on a roadway that results in disabling damage to a motor vehicle, other than flat tires
- ❑ Vehicles with valid temporary tags or transporter stickers (Note: Vehicles bearing dealer tags and recycler tags are considered registered.)

Investigations and reports are required even if vehicles have been moved before the officer's arrival. However, if any of the vehicles have left the general vicinity and cannot be examined by the officer, and information has been exchanged between the involved drivers, the incident may be cleared as CODE 309 (no report written, information exchanged), provided:

- ❑ No building was struck
- ❑ No damage occurred to electrical, natural gas, water, or commercial utilities
- ❑ No government vehicle or County-owned fixed asset was involved
- ❑ No fatality or critical injury occurred
- ❑ No person at the scene requires ambulance transport
- ❑ No vehicle was impounded
- ❑ No hazardous materials were spilled

Officers may issue traffic citations when probable cause of a traffic law violation exists. When officers issue citations, they shall summons all involved witnesses.

2. Accident Occurred or Discovered Earlier

An officer shall not be dispatched to investigate an accident that occurred on, or was discovered on a previous date, and delay in contacting police renders investigation of no value.

3. Parties/Vehicles Left Scene

Response of an officer is optional for accidents where all involved vehicles and persons have left the scene and there is no indication that debris or site damage poses a public hazard.

For hit and run allegations occurring on a previous date, employees shall tell the caller **he or she** may file a report with any District Station desk officer or the Telephone Reporting Unit (TRU).

4. Determination of Investigative Responsibility

Usually, patrol officers will be the first units dispatched to investigate accidents. When appropriate, other personnel shall be requested to conduct the accident investigation:

- ❑ Accidents involving critical injury or death, (including Departmental accidents) shall be investigated by an accident reconstructionist (CARU). Supervisors approve all requests for accident reconstructionists and may request their call-out when none are on duty
- ❑ A supervisor shall investigate accidents involving PGPD vehicles, except that CARU investigates fatal or critical injury accidents
- ❑ Maryland State Police (MSP) investigates accidents involving State

VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION

government vehicles. If MSP is unavailable, patrol officers will investigate the accident

Accident reconstructionists may be requested to assist with any accident in which the topography of the scene, equipment defects, or other unusual circumstances are believed to be factors.

When a disagreement arises regarding a reconstructionist's response, the decision of the reconstructionist prevails, unless overruled by a Command Officer.

5. Death of Victim Within 30 Days of Accident

When an individual dies within 30 days of an accident not investigated by CARU, the investigating officer shall:

- ❑ Immediately notify the OIC, CARU
- ❑ Provide CARU with copies of reports and other available documents associated with the accident
- ❑ Submit a CIR documenting the death and the date and time of notification to the OIC, CARU; attach a copy of the original MAARS Report to the CIR

CARU shall perform duties stipulated by their SOP for fatal accidents, provided the time delay has not rendered such performance impractical.

6. Uniform Crime Reporting Procedures (UCR)

UCR procedures require a traffic death resulting from violation of traffic laws be classified as manslaughter. However, it is not necessary for anyone to be charged with a traffic violation, only that a violation occurred. Motor vehicle fatalities will be cleared as follows:

- ❑ When a violating driver or pedestrian are the only fatality the case is cleared unfounded
- ❑ When a violating driver or pedestrian is killed, but other fatalities also occur, the case is cleared exceptionally
- ❑ When a violating driver or pedestrian is not killed, but other fatalities do occur, the case is cleared by arrest

Notification of the clearance is made as follows:

- ❑ When a case can be cleared immediately as unfound or exceptional, this information will be placed on the report
- ❑ When clearance is determined as unfounded or exceptional after submission of the report or when a case is closed by arrest, this information will be placed on a supplemental accident report

If an accident reconstruction is completed, the reconstructionist shall enter the proper clearance on the reconstruction report.

7. Snow Emergencies

Response by officers to accidents during snow emergencies is required when any of the following exist:

- ❑ The accident is a hit-and-run
- ❑ There is damage to County property
- ❑ A public hazard exists from debris or site damage
- ❑ Injuries are involved
- ❑ Vehicles are inoperable

If any of these conditions exist, officers shall be dispatched to the scene.

8. Accident Reports Optional

Subject to the requirements in this section, accident investigations are optional in the following cases:

- ❑ Single-vehicle property damage accident in which the vehicle is not disabled and publicly-owned property is not involved
- ❑ Property damage accident occurring on private property, regardless of the extent of damage
- ❑ Property damage accidents occurring on public roadways not resulting in disabling damage to any involved vehicle

Procedures

Officers shall respond to the scene and determine:

- ❑ Vehicle registration
- ❑ Validity of drivers' licenses
- ❑ VIN plates against registration documents and plates
- ❑ Wanted status of drivers and vehicles

If discrepancies exist, officers shall investigate the accident, complete a MAARS Report, and take proper enforcement action.

When not formally investigating the accident, officers shall not make judgments concerning fault or issue citations.

When a MAARS Report is not written, officers shall instruct the parties to exchange driver's license, registration, and insurance information. Officers shall provide the participants with a Vehicle Accident Letter in English or in Spanish.

Officers will identify owners of damaged property, notify them of the damage, and

give them information regarding the vehicle operator.

When an officer initially declines to write an accident report in accordance with the provisions of this directive, **he or she** is not required to write a report on a later date because of new information, provided that the facts known to the officer at the time of the initial decision did not require an investigation.

Exceptions are:

- ❑ An individual dies of injuries sustained in the accident (CARU)
- ❑ It is later determined that an involved party fraudulently or incorrectly identified himself with the intent to commit a hit-and-run

In these instances, officers shall complete a MAARS Report and required supplementary reports.

9. Report Submission

Officers shall complete MAARS Reports for all traffic accident investigations except for hit-and-run accidents which meet the criteria listed in section **13. Incident Report Authorized for Hit-and-Run** of this chapter.

A MAARS Report will not be completed if:

- ❑ Information required for completion of the report is not known, and "UNKNOWN" is not an acceptable entry for a particular field in the report
- ❑ The report would be rejected by the State if the field were not complete

When above conditions are present, officers shall complete an Incident Report in lieu of a MAARS report. Officers shall indicate

VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION

“MOTOR VEHICLE ACCIDENT” in the TYPE OF INCIDENT block. The narrative will contain the following:

- ❑ Date and time of the accident and best available description of the location of occurrence
- ❑ Driver’s license information for known drivers
- ❑ An explanation why a MAARS report could not be submitted
- ❑ Vehicle registration and insurance information
- ❑ Names and addresses of known vehicle occupants
- ❑ Details of the accident, including cause and responsibility, if known

Officers investigating traffic accidents involving criminal offenses (e.g., stolen vehicle used in a robbery) shall not report the criminal offense on the MAARS report. Instead, officers shall use an Incident Report to document the criminal offense and include “SEE ACCIDENT REPORT, SAME CCN” in the narrative.

When a vehicle is impounded as a result of an accident, officers shall complete and submit an Incident Report for each vehicle impounded in addition to the MAARS Report. *See: VOLUME II, CHAPTER 31. IMPOUNDS & VEHICLES.*

Additional Vehicle Occupants

When a MAARS Report has insufficient space to record the names of all vehicle occupants, either of the following methods may be used:

- ❑ *Continuation Report:* the top fields must be completed; the pre-printed MAARS number (from block 1 of the original MAARS Report) and the agency code

“DA” shall be included in the first lines of the narrative

- ❑ *Prince George’s County Police Motor Vehicle Accident Report Supplement:* the top fields must be completed as on a MAARS Report; the pre-printed MAARS number (from block 1 of the original MAARS Report) and the agency code “DA” shall be used

Supplemental Diagram

The Prince George’s County Police Motor Vehicle Accident Report Diagram features a large blank field for detailed diagrams. The top fields must be completed as on a MAARS Report. The pre-printed MAARS number (from block 1 of the original MAARS Report) and the agency code “DA” shall be used.

10. Photography

Officers will ensure that they photograph vehicles, physical evidence, and the accident scene for accidents involving government vehicles (including volunteer fire companies and WMATA vehicles) or a fatal or critical injury accident.

Accident scene photographs will be developed for negatives. Prints will not be made unless the accident involves a PGPD vehicle. To receive prints from a non-Departmental accident, officers shall contact Police Records at least 30 days before the needed date. Prints shall be requested for official business only.

11. Notification to Risk Management

When an accident involves the following circumstances, the investigating officer shall instruct the parties to contact the Risk

VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION

Management Section of the Office of Finance for resolution of liability claims, and give them a Claims Instruction Form:

- ❑ Accidents involving a non-departmental County vehicle or alleged to have been caused by a non-departmental County vehicle
- ❑ Damage to County-owned signs or other fixed assets. "Prince George's County Government" shall be noted as the T/A in the PERSONS section

Officers shall forward a copy of the MAARS Report to the Risk Manager, Strategic Management Bureau before the end of watch. If the report is not completed by the end of the watch, officers shall forward a copy of the partially completed report with a notation that the report is incomplete.

12. Hit & Run Accidents

Investigator's Duties

Officers handling hit-and-run accidents shall attempt to identify the striking vehicle and the vehicle's driver. They shall make reasonable efforts to collect physical evidence and develop investigative leads.

When a suspect description is available, a lookout shall be broadcast from the scene.

When investigative leads are developed, officers shall automatically conduct a follow-up investigation. Leads requiring an automatic follow-up include, but are not limited to:

- ❑ Suspect registration information
- ❑ Eyewitness identifications of suspects
- ❑ Physical evidence suitable for forensic examination

When the striking vehicle's registration information is known, the investigating officer shall document all efforts to contact the registered owner on either the initial report or supplementary reports. Officers shall include any explanations or relevant statements the owner may have offered. Officers shall document all follow-up activities regardless of whether an arrest occurs.

Arrests of Suspects

Full custody arrests of hit-and-run suspects are authorized, but not required. Officers may issue citations, or they may apply for a warrant.

13. Incident Report Authorized for Hit-and-Run

In cases where information or physical evidence fails to identify the striking vehicle, officers may document the incident on an Incident Report in lieu of the MAARS Report. When an Incident Report is completed, officers shall:

- ❑ Indicate "PROPERTY DAMAGE" in the TYPE OF INCIDENT block
- ❑ Ensure that the VEHICLE section is completed
- ❑ Write a detailed narrative
- ❑ Provide the reporting person with the CCN
- ❑ Advise the reporting person that copies of the Incident Report may be purchased by mailing a money order to the Records Section

14. Follow-Up Investigations

With supervisory approval, officers may continue investigations outside of their assigned area, as well as extend their investigations to subsequent tours of duty.

VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION

Examples necessitating a continued or extended investigation include:

- ❑ Collecting additional evidence
- ❑ Obtaining witness statements
- ❑ Preparing reports
- ❑ Testing vehicles and safety equipment
- ❑ Duties associated with accident reconstruction.

In unusual circumstances, officers may enlist the assistance of technical experts during a follow-up investigation. They may include physicians, mechanics, surveyors, and engineers. Except for vehicle inspections, requests for these arrangements shall be approved in advance by the investigating officer's Commander/Director, and in writing by the Fiscal Affairs Division, if the specialist is to be paid.

15. Mechanical Defects Inspections

When an investigating officer suspects a mechanical defect or failure caused or contributed to a fatal or critical injury accident, he or she shall impound the vehicle. Before the end of the following business day, the investigating officer shall contact the OIC, CARU to determine whether CARU or MSP Automotive Safety Enforcement Division (ASED) will conduct an inspection. When an ASED inspection is to be conducted, the OIC, CARU shall arrange for the inspection. They shall ensure the investigating officer receives the results.

16. Suspension of Follow-Up

Supervisors may authorize officers to cancel or suspend follow-up investigations when the investigation is unlikely to result in prosecution for violations of traffic or other criminal laws. Investigations shall not be continued merely to improve any party's

civil or insurance claim. When deciding whether to authorize suspension of investigative activity, supervisors shall consider whether:

- ❑ Investigative leads exist and whether they are of meaningful quality
- ❑ Manpower and workload factors provide opportunities for follow-up work
- ❑ Physical or forensic evidence is likely to identify the suspect vehicle or driver
- ❑ Severity of injuries and property damage justify the continued commitment of law enforcement resources
- ❑ Suspect vehicle's registration address is geographically close enough to the County to make further investigation practical
- ❑ Witnesses can identify the suspect driver in court

17. Aircraft, Boat, or Train Accident

Aircraft Accidents

MSP investigates aircraft accidents within the County. Officers responding to aircraft accidents shall preserve the scene and take life-saving action.

Officers who perform significant assistance such as rendering rescue and first aid services or collecting evidence shall complete an Incident Report and a Commander's Information Report.

Boating or Drowning Accidents

The Maryland Natural Resources Police (MNRP) investigates boating accidents on County waterways and those controlled by public agencies. Such accidents occurring on privately owned bodies of water are investigated at MNRP discretion. Officers responding to boating accidents shall:

VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION

- ❑ Take appropriate life-saving action
- ❑ Preserve the scene
- ❑ Notify MNRP
- ❑ Standby pending the arrival of an MNRP officer.

If the MNRP officers cannot or will not respond, officers shall conduct a basic investigation and submit an Incident Report.

MNRP officers have legislated authority to investigate fatal boating accidents or accidental drownings on waters owned or controlled by public agencies. However, in any water-related incident involving a death, officers shall notify the Homicide Unit regardless of the MNRP response status. The Homicide Unit shall conduct an investigation, or assist MNRP, following consultation with MNRP officials. The Homicide Unit shall investigate drownings in swimming pools. There will be no notification to MNRP.

Train/Motor Vehicle Accidents

Investigation of train accidents involving a motor vehicle shall be conducted in accordance with the MAARS reporting system, which does not define trains as motor vehicles. Since the train information will not be included in the vehicle fields of the report (e.g., Vehicle #1, Vehicle #2) the following information shall be placed in the narrative:

- ❑ Name and addresses of passengers who are visibly injured or who inform officers of an alleged injury. Identities of uninjured passengers need not be included
- ❑ Names and assignments of engineers, brakemen, conductors, and other crew members

- ❑ Train company name, engine number, and the specialized name or schedule number for the train

The train may be detained at the scene while preliminary investigation and rescue efforts are in progress. Investigating officers shall allow the train to depart as soon as these efforts are complete. When necessary, officers may request a member of the crew or a company representative to remain behind for additional interviews.

Officers shall notify the National Response Center (NRC) through PSC in the event of:

- ❑ An evacuation of the train or surrounding community
- ❑ Fuel leakage
- ❑ A grade crossing accident involving death or injury
- ❑ A hazardous material spill
- ❑ A train derailment

Officers shall also prepare a CIR for a motor vehicle accident involving a train.

Pedestrian/Train Accidents

A Homicide investigator shall investigate accidents in which a pedestrian is struck and killed by a train.

District Investigators investigate non-fatal train/pedestrian accidents to determine whether foul play or attempted suicide is involved.

The first officer on the scene of such accidents shall take appropriate life-saving and protective action. Additionally, officers shall preserve the scene pending the arrival of the investigator. The investigating officer shall detain witnesses and involved persons. The train shall not leave the scene.

VOLUME II, CHAPTER 1. ACCIDENT INVESTIGATION

Unless directed otherwise by the investigator, officers shall submit an Incident Report, CIR, or Special Report when applicable. Other reports and notifications shall be the responsibility of the investigator. No MAARS Report will be submitted in pedestrian/train incidents.

The inter-agency agreement with WMATA stipulates that PGPD will investigate deaths and serious injury accidents on WMATA property. Therefore, provisions of this section apply to Metro train accidents, including deaths of persons contacting the electrified third rail. ***See: VOLUME II, CHAPTER 12. CONCURRENT JURISDICTION & EXTRA-JURISDICTIONAL INCIDENTS IN THE COUNTY, section 4. Mutual Aid Agreements, Washington Metropolitan Area Transit Authority (WMATA)***

Notifications to federal agencies are required for train/pedestrian accidents.

Train Derailment

The railroad and appropriate federal transportation officials investigate accidental train derailments not involving a struck motor vehicle or pedestrian. The PGPD shall render rescue services, crowd, traffic control, and other assistance, as needed.

Officers shall notify the NRC through PSC of all derailments. Officers shall submit a CIR and Incident Report indicating:

- ❑ Date/time of notification to NRC
- ❑ Name of person making notification
- ❑ Name of the NRC official who received notification
- ❑ Names of the federal officials and the agencies to which they are affiliated that responded to the scene

- ❑ Name of the engineer and senior company officials at the scene
- ❑ Name of the railroad, the train's specialized name or schedule number, engine or locomotive number
- ❑ Services performed or actions taken by Departmental personnel

When deaths have occurred, officers shall notify the medical examiner and federal investigators to determine the agency responsible for death reports. The Homicide Unit shall be notified and respond to the scene if federal officials are not responding.

If the derailed train is a WMATA train and a death report is to be prepared by the local police agency, a PGPD officer shall prepare the report.

When evidence exists that a derailment occurred other than by accident, the incident shall be treated as a crime scene. When deaths occur, officers shall notify a Homicide Investigator and the investigator shall respond. Authority for the investigation may eventually transfer to a federal agency (e.g., FBI) if appropriate.

18. Organ Donor Victims

As soon as possible following the death of an individual involved in an accident, the investigating officer shall determine, either through visual inspection or computer inquiry, whether the deceased's driver's license designates them as an organ donor. If the deceased's driver's license indicates they are an organ donor, and the body is still at the accident scene, the investigating officer shall arrange for it to be transported to a medical care facility as soon as investigative and evidentiary considerations allow.

Investigating officers shall ensure that the staff at the hospital is aware of the organ donor status of all critically injured or deceased individuals. They shall also ensure that the hospital will make notifications to transplant agencies. Officers shall note the names of the staff members notified, and the date and time of notifications on the CIR. Officers are not expected to contact agencies personally, although they may contact them when the hospital's response is inadequate.

19. Traffic Direction

Officers shall provide manual traffic direction as assigned or necessary to provide efficient traffic flow. Normally, only uniformed employees trained in the use of standard signals and gestures will direct traffic. Employees shall wear traffic safety vests when directing traffic.

Manual traffic direction includes the use of highway flares or temporary traffic control devices such as cones. When necessary, officers may enlist the assistance of the Department of Public Works & Transportation (DPWT) or the State Highway Administration (SHA) to:

- ❑ Operate electronic signal boxes
- ❑ Provide temporary traffic control devices

Those agencies may provide temporary traffic control devices when traffic direction may be required for more than one hour. A supervisor shall request their assistance.

Employees with traffic box keys may phase lights to flash or turn them on or off. Only DPWT or SHA personnel should reprogram electronic signals.

20. Evaluating Equipment & Manpower Needs

Officers will evaluate the area requiring traffic direction by considering the following:

- ❑ Traffic count
- ❑ Visibility
- ❑ Environmental conditions
- ❑ Number of lanes available to traffic
- ❑ Complexity of traffic flow
- ❑ Speed limit

A minimum of two officers shall provide direction at any intersection where two of the roadways have three or more through lanes.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 61.2.1, 61.2.2, 61.2.3, 61.2.4, 61.3.2, 82.2.1, 83.1.1, 83.2.6